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15 **UNITED STATES DISTRICT COURT**
16
17 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

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19 JOSEPH LOMAGLIO, an individual,

CASE NO.: 2:21-cv-00328-KJD-EJY

20 Plaintiff,

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

21 vs.

[TENTH REQUEST]

22 STATE FARM MUTUAL AUTOMOBILE
23 INSURANCE COMPANY, a foreign
24 corporation; DOES I through X; and ROE
25 CORPORATIONS I through X, inclusive,

26 Defendants.

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28 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case by ninety-one (91) days, up to and including Monday, January 29, 2024. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as follows:

- 29 1. On January 19, 2021, Plaintiff filed his Complaint in the Eight Judicial District Court.
- 30 2. On February 26, 2021, Defendant removed the case to Federal Court.
- 31 3. On March 5, 2021, Defendant filed its Answer to Complaint.
- 32 4. On March 18, 2021, the parties conducted an initial FRCP 26(f) conference.

5. On March 29, 2021, Plaintiff filed his Motion to Remand.
6. On March 31, 2021, Plaintiff served his FRCP 26 Initial Disclosures on Defendant.
7. On April 5, 2021, The Court entered the Discovery Plan and Scheduling Order.
8. On April 9, 2021, Defendant filed its Opposition to Motion to Remand.
9. On April 23, 2021, Plaintiff filed his Reply in Support of Motion to Remand.
10. On April 28, 2021, 2020, Defendant served its FRCP 26 Initial Disclosures on Plaintiff.
11. On July 1, 2021, Plaintiff served his first set of interrogatories and production requests on Defendant. Defendant served its responses on September 2, 2021.
12. On September 7, 2021, Defendant served its First Supplement to FRCP 26 Initial Disclosures on Plaintiff.
13. On October 11, 2021, Plaintiff served his first set of admissions requests and second set of production requests on Defendant.
14. On October 14, 2021, Defendant served its Second Supplement to FRCP 26 Initial Disclosures on Plaintiff.
15. On November 30, 2021, Plaintiff served his First Supplement to FRCP 26 Initial Disclosures on Plaintiff.
16. Also on November 30, 2021, Plaintiff served his discovery responses.
17. On December 7, 2021, Defendant served its discovery responses.
18. On February 24, 2022, Defendant served its Third Supplement to FRCP 26 Initial Disclosures on Plaintiff.
19. On March 14, 2022, Defendant produced the third-party claim file identified in its Third Supplement to its FRCP 26 Initial Disclosures.
20. On March 14, 2022, the Court entered its Order Denying Plaintiff's Motion to Remand.
21. Plaintiff deposed State Farm Claim Specialist Tyce Gummow on October 27, 2022.
22. Plaintiff served his third set of written discovery on Defendant State Farm on November 30, 2022.

- 1 23. Plaintiff took the deposition of State Farm representative Erick Bayer on February
- 2 6, 2023.
- 3 24. On April 4, 2023 Defendant served its Fourth Supplement to FRCP 26 Initial
- 4 Disclosures on Plaintiff.
- 5 25. On April 26, 2023 Defendant served its Fourth Supplement to FRCP 26 Initial
- 6 Disclosures on Plaintiff.
- 7 26. On July 5, 2023, Plaintiff served his Tenth Supplement to 26.1 Disclosures.
- 8 27. On July 10, 2023, Defendant took the deposition of Plaintiff Joseph Lomaglio.
- 9 28. On July 27, 2023, Plaintiff took the partial deposition of Dave Fletcher
- 10 29. The parties have served their respective initial and rebuttal expert discovery.
- 11 30. On July 27, 2023, Defendant's served their Supplemental Answers to Plaintiff's
- 12 Second Set of Interrogatories.
- 13 31. On August 8, 2023, Plaintiff served his Fourth Supplement to Expert Disclosures.
- 14 32. On September 15, 2023, Plaintiff served his Fourth set of written discovery on
- 15 Defendants. State Farm's responses are due on October 13, 2023.

DISCOVERY REMAINING

- 17 1. The Parties will make a good faith effort to schedule the deposition of former State
- 18 Farm employee Scott Gilmore in November/December 2023.
- 19 2. The Parties will make a good faith effort to schedule the deposition of former State
- 20 Farm employee Dave Eaton in November/December 2023.
- 21 3. The continued deposition of Dave Fletcher will be scheduled in
- 22 November/December 2023.
- 23 4. The 30(b)(6) depositions of Defendant State Farm will be scheduled in
- 24 November/December 2023.
- 25 5. The parties will take the expert depositions in January 2023.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

27 The parties aver, pursuant to Local Rule 26-3, that good cause exists for the requested
28 extension. This Request for an extension of time is not sought for to delay the proceedings or for

1 any improper purpose. Rather, the parties seek this extension solely to allow sufficient time to
 2 conduct the remaining depositions.

3 The parties are currently working to resolve the issues with the current notice of the 30(b)(6)
 4 deposition, that may require litigation.

5 Counsel for Defendant is attending to family obligations involving medical issues over the
 6 next few months that will continue to require him to be out of the jurisdiction for extended periods
 7 of time. As a result, Counsel for Plaintiff, and Counsel for Defendant, despite their best efforts,
 8 have been unable to coordinate the last few remaining depositions to be taken in this matter. Their
 9 requested extension of time will allow them ample time to immediately finalize the scheduling of
 10 these depositions in advance of their proposed close of discovery.

11 A ninety (90) day extension of the discovery deadlines will allow the parties to coordinate
 12 and prepare for the remaining depositions. For those reasons, the parties respectfully request a brief
 13 extension of the discovery deadlines in this matter.

14 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs
 15 modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion
 16 to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-
 17 one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

18 This is the tenth request for extension of time in this matter. The parties respectfully submit
 19 that the reasons set forth above constitute compelling reasons for the short extension.

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1 The following is a list of the current discovery deadlines and the parties' proposed extended
 2 deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Monday, October 30, 2023</i>	<i>Monday, January 29, 2024</i>
Deadline to Amend Pleadings or Add Parties	<i>Closed</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Closed</i>	<i>Closed</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Closed</i>	<i>Closed</i>
Dispositive Motions	<i>Wednesday, November 29, 2023</i>	<i>Wednesday, February 28, 2024</i>
Joint Pretrial Order	<i>Friday, December 29, 2023</i>	<i>Friday, March 29, 2024</i> <i>If dispositive motions are pending, the parties will submit their Joint Pretrial Order within thirty (30) days of the Court's order as to any dispositive motions.</i>

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1 WHEREFORE, the parties respectfully request this Court extend the discovery period by
2 ninety-one (91) days from the current deadline of October 30, 2023 up to and including January 29,
3 2024, and extend the other dates as outlined in accordance with the table above.

4 Dated this 12th day of October 2023.

Dated this 12th day of October 2023.

5 LEWIS BRISBOIS BISGAARD & SMITH LLP

PRINCE LAW GROUP

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21 **ORDER**

22 IT IS SO ORDERED.

23 Dated this 12th day of October, 2023.

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26 U.S. MAGISTRATE JUDGE
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